

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

THOMAS LAMB, Individually and on Behalf)	
of Others Similarly Situated,)	
)	Case No. 2:13-cv-04230-MJW
Plaintiff,)	
)	
vs.)	
)	
MCCLATCHY COMPANY d/b/a THE)	
KANSAS CITY STAR,)	
)	
Defendant.)	

MOTION TO TRANSFER DIVISIONAL VENUE
AND SUGGESTIONS IN SUPPORT

COMES NOW specially appearing Defendant The McClatchy Company (“McClatchy”), and timely moves under Local Rule 3.1 for this case to be transferred from this Court’s Central Division to its Western Division.¹ In support, McClatchy states as follows:

This case should be transferred from this Court’s Central Division to its Western Division. Plaintiff Thomas Lamb originally filed this case in the Circuit Court of Cole County, Missouri. (*See* First Amended Complaint (“Compl.”); Notice of Removal ¶ 1, Doc. 1.) As a result, when McClatchy removed this case, it was assigned to this Court’s Central Division. *See* Local Rule 3.1(a)(2) (stating that Cole County falls within the Court’s Central Division). But, as Lamb’s allegations and the Local Rules make clear, this case should proceed in the Court’s Western Division.

Under Local Rule 3.1(b), the division where a case is heard depends upon the defendant’s residency. Here, McClatchy is the sole defendant. McClatchy does not reside in Missouri, as it

¹ McClatchy hereby reserves all defenses and objections to Lamb’s Complaint, including but not limited to: lack of personal jurisdiction; improper venue; *forum non conveniens*; insufficiency of process; insufficiency of service of process; failure to state a claim upon which relief can be granted; and failure to satisfy the requirements of class certification. (*See* Notice of Removal ¶¶ 18-19, 21, 24, Doc. 1.)

is a Delaware corporation that maintains its principal place of business in California. (Compl. ¶ 21; Notice of Removal ¶ 10.) As a result, Local Rule 3.1(b)(3) governs divisional venue for this case.

Local Rule 3.1(b)(3) provides that a case “shall be filed in the division where at least one plaintiff resides, or where the claim for relief arose.” Applying this Rule to Lamb’s allegations shows that this case belongs in the Court’s Western Division, not its Central Division. First, Lamb does not reside in the Court’s Central Division; instead, he resides outside of the Western District of Missouri, in Kansas. (Compl. ¶ 20; Notice of Removal ¶ 9.) Second, Lamb’s claim for relief apparently arose in the Court’s Western Division. Lamb alleges that, when he applied for employment at the *Kansas City Star* he consented to a consumer credit report by virtue of an allegedly improper disclosure and authorization form, in violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (Compl. ¶¶ 1-19, 25-43; Notice of Removal ¶¶ 1-2.)² Lamb’s claim concerns events that allegedly occurred in Kansas City, Missouri – that is, in Jackson County. (Compl. at ¶¶ 14, 25-26.) In contrast, his claim does not concern any events that allegedly occurred in Cole County. Accordingly, Lamb’s claim for relief, if it exists at all, arose in Jackson County, and the proper division for this case is the Western Division. *See* Local Rule 3.1(a)(1)(a) (stating that Jackson County falls within the Court’s Western Division).

WHEREFORE, Defendant The McClatchy Company hereby moves for this case to be transferred to this Court’s Western Division.

² Lamb alleges acts by McClatchy, but McClatchy denies it committed any act and denies that this court has personal jurisdiction over it. (*See* Notice of Removal ¶¶ 18-19, 21, 24.)

Dated: November 12, 2013

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day November, 2013, a copy of the above pleading was electronically filed and served via the District Court ECM/ECF system and by Electronic Mail and U.S. First-Class Mail, postage prepaid, on the following counsel of record:

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